

REMARKS

In response to the Office Action dated December 6, 2007, claims 1, 3-7, 9-11, and 13 are amended, and claim 2 has been cancelled without prejudice. Claims 1, and 3-22 are now active in this application. No new matter has been added. Claims 1 and 13 are the only independent claims.

As a preliminary matter, form PTOL-316 from the Office Action dated June 18, 2007 acknowledges a claim for foreign priority, and marks the box "All," but does not mark any of the boxes identifying what type of supporting priority documents have been received. **Applicants request that the supporting priority documents be properly identified, so that the record is clear.**

Claims 1, 3, 5-8, and 10-11, 13-15, 17-19, and 21 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Kataoka et al. (U.S. 6,133,522) in view of Kloppel et al. (U.S. 2003/0170449). This rejection is traversed.

Claims 4, 12, 16, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kataoka in view of Kloppel and further in view of Morizane et al. (US 2001/0045505). This rejection is traversed.

Claims 9 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kataoka in view of Kloppel and further in view of Kitae et al. (U.S. 2001/0005053). This rejection is traversed.

Claims 8 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kataoka in view of Kloppel and further in view of Goda et al. (U.S. 2001/0016263). This rejection is traversed.

Independent claims 1 and 13 each recite, in part, “wherein a surface of the transparent conductive oxide film has irregularities with a height, and wherein a surface of a crystalline semiconductor layer has irregularities higher than the height of the irregularities on the surface of the transparent conductive oxide film.”

In order to establish *prima facie* obviousness under 35 U.S.C. § 103(a), all the claim limitations must be taught or suggested. Further, “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006). At a minimum, the cited prior art references do not disclose (expressly or inherently) or suggest the above recited element.

The Office Action, at page 3, admits that Kataoka does not teach or suggest surface roughnesses.

The Office Action, at page 3, asserts that Kloppel discloses a transparent conductive oxide film having arithmetic mean deviation of the profile (or surface roughness) of less than 1 nm.

However, Kloppel does not teach or suggest “a surface of the transparent conductive oxide film has irregularities with a height, and wherein a surface of a crystalline semiconductor layer has irregularities higher than the height of the irregularities on the surface of the transparent conductive oxide film,” as required by independent claims 1 and 13.

Thus, at a minimum, the combination of Kataoka and Kloppel fails to teach or suggest the forgoing element, and therefore claims 1 and 13 are allowable over the cited art.

Under Federal Circuit guidelines, a dependent claim is allowable if the independent claim upon which it depends is allowable because all the limitations of the independent claim are

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contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987).

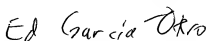
Thus, as independent claims 1 and 13 are allowable for the reasons set forth above, it is respectfully submitted that dependent claims 3-12 and 14-22 are allowable for at least the same reasons as their respective base claims.

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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